

Summary of the Report of
The Joint Interim Committee on Asset Forfeiture

Senator Harry Wiggins, Chairman
Representative Jim Krieder, Chairman

January, 2000

Based on testimony heard and reviewed, the joint interim committee made the following determinations:

- Differences in federal and Missouri law have created circumstances where state and local authorities find it advantageous to contact federal officers to complete a criminal seizure, even if initiated by state or local authorities. As a result, the forfeiture money is redistributed to that state or local agency pursuant to federal law, rather than directed to Missouri schools as required by the state constitution; and
- Missouri law enforcement has indicated that the procedure in the criminal forfeiture laws is confusing and conflicting with other provisions of state.

The subcommittee makes the following recommendations:

- Define the word “seizure” for purposes of criminal forfeiture laws as the point at which any law enforcement officer discovers and exercises any control over property;
- Define the term “seizing agency” as the agency which is the primary employer of the officer or agent seizing the property;
- Reconcile conflicting provisions governing abandoned or unclaimed property;
- Require that prosecuting attorneys file an annual report with the state auditor;
- Require that state and local agencies file a report with the state auditor, which shall be issued to the General Assembly;
- Develop a penalty provision for noncompliance with the reporting requirements; and
- Require judicial review for disposition of property obtained pursuant to a seizure involving state or local law enforcement, regardless of initiating or seizing agency.

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